

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

MARKUS DEON JOHNSON, SR.,

Defendant and Appellant.

F056385

(Super. Ct. No. MCR032557)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Madera County. Edward P. Moffat, Judge.

Deborah Prucha, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

-ooOoo-

* Before Vartabedian, Acting P.J., Levy, J., and Cornell, J.

C.B. shared an apartment with appellant, Markus Deon Johnson. On July 18, 2008, she locked the door after Johnson walked out of the apartment. When Johnson returned, he became angry and began pounding on the door. After C.B. let Johnson in, Johnson began choking her causing her to lose consciousness, fall, and strike her head on the ground. Johnson then got on top of her and continued choking her. Officers soon arrived and arrested Johnson.

On July 21, 2008, the district attorney filed a complaint charging Johnson with inflicting corporal injury on a cohabitant (Pen. Code, § 273.5, subd. (a)).

On July 30, 2008, Johnson pled no contest to the charged offense in exchange for a promise of no initial state prison time.

On August 27, 2008, the court suspended imposition of sentence and placed Johnson on probation for three years with credit for 13 days served.

Johnson's appellate counsel has filed a brief which summarizes the facts, with citations to the record, raises no issues, and asks this court to independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436.) Johnson has not responded to this court's invitation to submit additional briefing.

Following independent review of the record we find that no reasonably arguable factual or legal issues exist.

The judgment is affirmed.